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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,570	11/10/2003	Daniel G. Giddings	TC408/410 CIP (24,954-122)	4241
7590	07/28/2008		EXAMINER HECKERT, JASON MARK	
John F. Klos, Esq. Fulbright & Jaworski L.L.P. Suite 2100 80 South Eighth Street Minneapolis, MN 55402-4320			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 07/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/705,570	GIDDINGS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	JASON HECKERT	1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 May 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 3-6,8-16 and 18-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3-6,8-16 and 18-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/14/08 has been entered.

### ***Response to Arguments***

2. Due to the applicant's amendments to the claims, the previous rejection is rendered moot.

3. Applicant has included the limitation that the vacuum extractor's slot opening contacts the revolving cleaning medium. However, this structural limitation is obviated by the prior art.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6, 8, 11-13, 15-16, 18, 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in Japanese Patent Publication No. 50(1975)-94761 (Satoh) in view of Postonen et al. (Postonen) Satoh discloses a cleaning device for a floor

surface, readable on carpet or fabric, wherein the device wets a portion of revolving cleaning medium 2 with nozzles 16, revolves the wetted portion into contact with an elongated port 5 in communication with a vacuum extractor 6, extracts soil and liquid from the previously wetted portion, then revolves said portion into contact with the surface, and finally wipes the surface with said portion. The steps are repeated. Soil and liquid are extracted prior to wetting said portion again. The elongated port 5 is parallel the axis of rotation of the medium. The axis of rotation is aligned in a direction generally transverse to an operation direction of the device movement across the surface. The machine is disclosed as moving, and therefore is propelled by some means. Sato shows the vacuum extractor 6 being located very close, but not touching, the medium 2. Postonen discloses that walls 20 of a collection inlet may directly contact a brush head in order to scrape away possible dirt particles (col. 2 lines 50-53). Additionally, the distance between the vacuum port and the cleaning medium is considered to be considered a cause effective variable, for it is known that as the vacuum port is located closer a surface, said surface experiences greater suction. It is well settled that determination of optimum values of cause effective variables is within the skill of one practicing the art absent the showing of unexpected results. *In re Boesch*, 205 USPQ 215 (CCPA 1980). One skilled in the art is able to alter the location of the vacuum port through routine experimentation. Thus, it would have been obvious to locate the slot opening to contact the cleaning medium in order to scrape away particles, as shown by Postonen, and provide greater suction, as is well known in the art.

6. Claim 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Postonen and further in view of Besel. Satoh discloses a device with one medium and one extractor, but not two of each. Besel discloses in figure 9 a pair of counter-rotating cleaning mediums each with their own vacuum extractors. As Besel discloses, this arrangement is useful when a larger, self propelled apparatus is desired. Thus, it would have been obvious at the time of the invention to modify the cleaning method of Satoh in view of Postonen, and include two cleaning mediums with unique vacuum extractors, in order to create a larger self-propelled device for cleaning larger surfaces.

7. Claims 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Postonen Miner et al. While Satoh does disclose many of the features of the claimed invention, as described above, he does not disclose a structurally equivalent drip guard to that of the claimed invention. However, the use of a drip guard is not novel as it is commonly used throughout the art to prevent dirty fluid from falling back down on a cleaned surface. Miner et al. discloses a brush guard 466 capable of such function. It would have been obvious to modify Satoh in view of Postonen and include a drip guard, as taught by Miner et al., to prevent the combination of dirt and used agents from falling back down onto a cleaned surface.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Postonen and further in view of Beauchamp or Hekman. The design of the vacuum port is not clear from the disclosure of Satoh. However, narrow elongated nozzles are well known in the art. Generally, a narrow opening causes a greater

suction over the exposed surface. Both Beauchamp (figure 1) and Hekman (parts 56 and 114) disclose narrow apertures that are eventually in contact with a larger pipe leading to a vacuum source. This is well known in the art. It would have been obvious at the time of the invention to modify Satoh in view of Postonen and form the vacuum port with a narrow aperture, as taught by Hekman and Beauchamp, in order to extract soil.

9. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Postonen in view of Beauchamp or Hekman and further in view of Minor. Satoh does not disclose the combination of a drip guard (discussed above) or a narrow aperture (discussed above) in combination. It would have been obvious at the time of the invention to modify the method of Satoh in view of Postonen and include both a drip guard, as disclosed by Minor, in order to prevent dirt from falling back down on a cleaned surface, as well as a narrow aperture, as disclosed by Hekman and Beauchamp, in order to extract soil.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/  
Supervisory Patent Examiner, Art  
Unit 1792

JMH